

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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NEWMARK GROUP, INC., G&E  
ACQUISITION COMPANY, LLC, and BGC  
REAL ESTATE OF NEVADA, LLC,

Plaintiffs,

v.

AVISON YOUNG (CANADA) INC.;  
AVISON YOUNG (USA) INC.; AVISON  
YOUNG-NEVADA, LLC, MARK ROSE,  
THE NEVADA COMMERCIAL GROUP,  
JOHN PINJUV, and JOSEPH KUPIEC; DOES  
1 through 5; and ROE BUSINESS ENTITIES  
6 through 10,

Defendants.

Case No. 2:15-cv-00531-RFB-EJY

**ORDER**

Before the Court is Defendants' Motion for Leave to Redact Motion to Compel and File Under Seal Certain Exhibits. ECF No. 417. No response to this Motion was filed.

As the party seeking to seal a judicial record, Plaintiffs must meet their burden of overcoming the strong presumption in favor of access and public policies favoring disclosure. *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (holding that those who seek to maintain the secrecy of documents attached to dispositive motions must meet the high threshold of showing that "compelling reasons" support secrecy). However, where a party seeks to seal documents attached to a non-dispositive motion, the "public policies that support the right of access to dispositive motions ... do not apply with equal force ... ." *Kamakana*, 417 F.3d at 1179 (citation omitted).

The mere fact that the production of records may lead to a party's embarrassment, incrimination, or exposure to further litigation will not alone compel the court to seal its records. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003). Compelling reasons require a demonstration of something more, such as when court files have become a vehicle for improper purposes, including use of records to gratify private spite, promote public scandal,

1 disseminate libelous statements, or circulate trade secrets. *Nixon v. Warner Commc'ns*, 435 U.S.  
2 589, 598 (1978).

3 The Court considered the Motion and the documents sought to be sealed. The Court finds  
4 Exhibits 11, 12, 14, 15, 16, 17, 18, 19, and 22 are properly sealed.

5 Accordingly, IT IS HEREBY ORDERED that Defendants' Motion for Leave to Redact  
6 Motion to Compel and File Under Seal Certain Exhibits (ECF No. 417) is GRANTED.

7 IT IS FURTHER ORDERED that Exhibits 11, 12, 14, 15, 16, 17, 18, 19, and 22 shall remain  
8 sealed. Pages in Defendants' Motion to Compel (ECF No. 416) redacted based on reference to or  
9 content of these Exhibits shall remain redacted.

10 DATED: December 14, 2020

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13 ELAYNA J. YOUCHAK  
14 UNITED STATES MAGISTRATE JUDGE  
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